

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

PREMIER CAPITAL, LLC,

Plaintiff,

v.

BEVERLY JOHNSON PENZELL, d/b/a,

Defendant.

Case No. 03-CV-12497 - NG

MOTION OF PLAINTIFF PREMIER CAPITAL, LLC  
TO FILE ITS OPPOSITION LATE TO  
DEFENDANT BEVERLY JOHNSON PENZELL'S  
MOTION TO DISMISS PLAINTIFF'S COMPLAINT

The plaintiff, Premier Capital, LLC ("Premier"), by its attorneys, moves this Court for leave to file one day late its Opposition, and related affidavit, to the motion to dismiss Premier's Complaint under Fed.R.Civ.P. 12(b) (1) of defendant Beverly Johnson Penzell ("Penzell").

As grounds, Premier states that it was unable to obtain the signature of its Vice President, Thomas DiFrancesco, on his affidavit on February 24, a day late under the relevant Local Rules of this Court for filing oppositions to motions. Premier's opposition, and its Complaint herein, have considerable merit, and Penzell does not face any prejudice from the allowance of this motion.

Accordingly, Premier respectfully requests that the Court allow its motion to file its Opposition and related Affidavit a day late.

PREMIER CAPITAL, LLC

By its attorneys,

  
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Dated: February 24, 2004

CERTIFICATE OF SERVICE

The undersigned, counsel for plaintiff Premier Capital, LLC, certify that I served the foregoing Motion by hand upon counsel of record herein for defendant, Catherine J. Savoie, Esq., Posternak, Blankstein & Lund, LLP, Prudential Tower, 800 Boylston Street, Boston, MA 02199 this 24th day of February, 2004.

  
Thomas James Morrissey

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